6.0 Public Participation and Agency Interaction

One of the nine elements of a long-term control plan is a public participation and agency interaction process that actively involves the affected public and regulators in decision-making to select long-term CSO controls. USEPA guidance states that establishing early communications with both the public and regulatory agencies is an important first step in the long-term planning approach and crucial to the success of a CSO control program (USEPA, 1995a). The NYCDEP is committed to involving the public and regulators early in the planning process by describing the scope and goals of its facility planning projects and continuing public involvement during its development, evaluation, and selection of plan elements.

The CSO Control Policy emphasizes that state water quality standards authorities, state permitting authorities, USEPA regional offices, and permittees should meet early and frequently throughout the long-term planning process. It also describes several issues involving regulatory agencies that could affect the development of the long-term control plan, including the review and appropriate revision of water quality standards and agreement on the data, analyses, monitoring, and modeling necessary to support the development of the long-term control plan toward that end. A Harbor-Wide Government Steering Committee was convened by the NYCDEP consisting of city, state, interstate, and federal stakeholders representing regulatory, planning, and public concerns in the New York Harbor watershed.

The NYCDEP has also formed local and city-wide citizen advisory committees and has involved other municipal officials, local community government representatives, permitting agencies, and the general public in its planning process. Public meetings were conducted to present technical information and obtain input from interested individuals and organizations. Potential CSO alternatives, costs (to the NYCDEP and to the public via water usage rates) and benefits were discussed before completing engineering evaluations. Comments are sought regarding the selection of a recommended plan. This process has been executed by the NYCDEP during the East River Combined Sewer Overflow Facility Planning Project. The NYCDEP regularly met with its Advisory Committee on Water Quality to discuss the goals, progress and findings of its ongoing planning projects such as the waterbody/watershed assessment of Alley Creek. A local stakeholder team was specifically convened by the NYCDEP to participate in the waterbody/watershed assessment of Alley Creek and Little Neck Bay.

The following section describes the formation and activities of the NYCDEP Harbor-Wide Government Steering Committee, the Citizens Advisory Committee on Water Quality, and the Alley Creek and Little Neck Bay Waterbody/Watershed Stakeholder Team that represented the NYCDEP public participation and agency interaction components of its waterbody/watershed assessment of Alley Creek and Little Neck Bay.

6.1 HARBOR-WIDE STEERING COMMITTEE

The NYCDEP convened a Harbor-Wide Government Steering Committee to ensure overall program coordination and integration of management planning and implementation activities by holding quarterly meetings for exploring regulatory issues, prioritizing planning and goals, developing strategies, reviewing and approving assessment-related work plans, and

coordinating actions. A Steering Committee was comprised of city, state, interstate, and federal stakeholders representing regulatory, planning and public concerns in the New York Harbor Watershed. The Citizens Advisory Committee on Water Quality (CAC), which reviews and comments on NYCDEP water quality improvement programs, is represented on the Steering Committee and separately monitors and comments on the progress of CSO projects, among other NYCDEP activities.

Federal government members of the Harbor-Wide Government Steering Committee included representatives of the USEPA, USACE and the National Park Service. The Deputy Director and the Water Quality Standards Coordinator represented USEPA Region 2. The USACE was represented by its Chief of the Technical Support Section, Planning Division, New York District. The National Park Service member was a representative of its Division of Natural Resources at the Gateway National Recreational Area.

The State of New York was represented by the central and regional offices of the NYSDEC. The Central Office of the NYSDEC in Albany was represented by its Associate Director of the Division of Water, the Director of the Bureau of Water Permits in the Division of Water, the Director of the Bureau of Water Assessment and Management Branch of the Division of Water and the Director of the Bureau of Water Compliance in the Division of Water. The Region II office of the NYSDEC was represented by the Regional Engineer for the Region II Water Division.

Several departments of the City of New York were represented on the Harbor-Wide Government Steering Committee. The Deputy Commissioner of the Bureau of Environmental Engineering and its Director of Planning and Capital Budget represented the NYCDEP. The Department of City Planning was represented by its Director of Waterfront/Open Space. The New York City Department of Parks and Recreation was represented by the Chief of the Natural Resources Group.

Public interests were represented on the Steering Committee by the General Counsel of Environmental Defense Fund at the New York headquarters and the Real Estate Board of New York. These two members also co-chaired the Citizens Advisory Committee on Water Quality.

Interstate interests were represented by the Executive Director and Chief Engineer of the IEC, a joint agency of the states of New York, New Jersey and Connecticut. The IEC was established in 1936 under a Compact between New York and New Jersey and approved by Congress. The State of Connecticut joined the IEC in 1941. The mandates of the IEC are governed by the Tri-State Compact, Statutes and the IEC Water Quality Regulations. Its responsibilities and programs include activities in areas such as air pollution, resource recovery facilities and toxics. However, the IEC's continuing emphasis is on water quality, an area in which the IEC is a regulatory and enforcement agency. The IEC area of jurisdiction runs west from Port Jefferson, NY and New Haven, CT on Long Island Sound, from Bear Mountain on the Hudson River down to Sandy Hook, New Jersey (including Upper and Lower New York Bays, Newark Bay, Arthur Kill and Kill Van Kull), the Atlantic Ocean out to Fire Island Inlet on the southern shore of Long Island, and the waters abutting all five boroughs of New York City.

The Steering Committee is responsible for reviewing the methodology and findings of NYCDEP water quality-related projects, and to offer recommendations for improvement. The Steering Committee reviewed and approved the waterbody work plan developed by the USA

Project (HydroQual, 2001), and was fully briefed on the on-going assessments and analyses for each waterbody. Among the recommendations provided by the Steering Committee was the investigation of cost-effective engineering alternatives that improve water quality conditions to remove Harbor waters from the State of New York 303(d) List, to pursue ecosystem water quality restoration actions with USACE, and to coordinate use attainment evaluations with the NYSDEC. Representatives of the NYSDEC reported that its agency will use findings of the NYCDEP waterbody/watershed assessments to help complete the 303(d) evaluations.

6.2 EAST RIVER COMBINED SEWER OVERFLOW FACILITY PLANNING PROJECT

The East River CSO Facility Planning Project included a full-scale public participation program that was coordinated by NYCDEP. The program followed USEPA public participation guidelines and was designed to provide a solid foundation for informed citizen input to agency decision making. The Alley Creek CSO Retention Facility was one of the major CSO Control facilities that came out of the East River Project. During the planning process on-going dialogue was encouraged by providing the public with up-to-date project information, engaging in open and ongoing communication and facilitating timely receipt of informed public input to be used in planning. The East River Project was initiated in April 1988 and an Introductory public meeting was held on November 17, 1988. A comprehensive, detailed description of the public participation program is presented in a Final Summary Report (URS, 1996). The specific activities within the East River Project Public Participation Program: formation of a Citizens Advisory Committee (CAC), formal public meetings and hearings, meetings with Community Boards, informal group meetings and dissemination of technical reports, executive summaries and responsiveness summaries through local repositories and direct mailings. Table 6-1 lists the highlights of this extensive program.

Table 6-1. Public Participation Activities, East River Facility Plan

Mechanisms	Dates
Citizens Advisory Committee (CAC) Meetings	Bi-monthly during first year on an as-needed basis focusing on local proposed CSO Facilities 10/19/88, 11/17/88, 1/19/89, 3/27/89, 10/26/89, 3/29/90, 6/7/90, 6/14/90, 10/18/90, 3/21/91, 5/16/91, 11/7/91, 2/5/92, 5/7/92, 10/26/94
Press Releases	Several over Project Period
Public Meetings and Hearings	11/17/88 Introductory Meeting 9/19/91 Alternatives Meeting 6/18/92 Public Hearing 1/9/95 Public Hearing on Alley Creek
Other Meetings and Presentations, Queens and Bronx	9/23/91, 9/30/91, 10/2/91, 10/9/91, 10/29/91, 11/13/91, 12/9/91, 1/15/92, 10/21/94
Major Mailing List Distributions	500 individuals: residents, representatives of environmental, professional and civic groups, academia, public officials, Community Boards, federal, state and local agencies, business, and the media
Repositories (12)	Technical reports, narrative and graphic materials for convenient access

Table 6-1. Public Participation Activities, East River Facility Plan

Mechanisms	Dates
Narrative and Graphic Materials (English/Spanish)	Included fact sheets, executive summaries, meeting reports, maps, glossary, project schedules, and responsiveness summaries
Notifications	Newspaper ad, City Record, NYSDEC Environmental Bulletin, press releases, letters to mailing list
Responsiveness Summaries	Records of public and agency comments and recommendations, and included questions raised with responses to those question

As mentioned above, there have been several iterations in the Alley Creek CSO Facility Plan since the plan was accepted by NYSDEC in 1994. Table 6-2 summarizes the Alley Creek CSO Plan portion of the East River CSO Abatement Facilities Plan through September 2000. The design has been further refined into the CSO Facility Plan approved by NYSDEC, as described in Section 5.7 and that currently is being constructed.

Table 6-2. East River CSO Abatement Facilities Plan –
Alley Creek Report Summary
(URS, April 2003)

Report	Date	Status	Comment
East River Combined Sewer Overflow Facility Planning Project, Task 8.0 Plan Selection	June 1994	Approved by NYSDEC	9 MG CSO Storage Tank located at Cross Island Parkway Site
East River Combined Sewer Overflow Facility Planning Project, Facilities Plan	February 1996	Accepted by NYCDEP	7 MG CSO Storage Tank located at Cross Island Parkway Site
Status Report on the New York City Combined Sewer Overflow Program	February 1999	Accepted by NYCDEP	3 MG CSO Storage Conduit with inflatable dams located in Alley Park east of the intersection of 46th Avenue and 223rd Street
September 2000 Facilities Plan(1)	September 2000	Accepted by NYCDEP	5 MG CSO Storage Conduit with inflatable dams located in Alley Park east of the intersection of 46th Avenue and 223rd Street
(1)A facilities plan was not submitted at a meeting held at the NYCDEP offices on September 20, 2000, the CSO storage volume was increased from 3 MG to 5 MG.			

The public participation program begun in 1988 was continued throughout this time period. NYCDEP attended meetings of Community Board (CB) 11 to update the CB on plans for the Alley Creek CSO Retention Facility, solicit input from the CB and answer citizen questions. The public participation program activities of public hearings and presentations, mailings, press releases, use of the repository sites, and meetings with local political leaders were continued on a regular basis through the adoption of the final design and throughout the construction of this facility.

In January 1995, the Citizens Advisory Committee expressed support for the Facility Plan that had been developed for Alley Creek. The major component of the plan was a 7 MG

storage tank. It should be noted that the Alley Creek CSO Retention Facility has undergone several changes from 1996 to the current CSO Facility Plan.

6.3 PUBLIC OPINION SURVEY SUMMARY

The NYCDEP performed a telephone survey in order to assess and measure the use of waterbodies in New York City, and obtain feedback from New York City residents about their attitudes towards the water resources in their community and elsewhere throughout the city. Surveys, conducted by RoperASW, addressed city-wide issues as well as those for local waterbodies. Primary and secondary waterbody survey results (dependent on residential location within watersheds) were analyzed discretely and summarized to provide additional insight into the public's waterbody uses and goals in addition to those identified via other public participation programs run by the NYCDEP.

Survey interviews were conducted using Computer Assisted Telephone Interviews (CATI) among residents of the five New York City boroughs that were 18 years or older. Residents were asked about specific waterways depending on their zip code. Questionnaire development involved a pre-test prior to the full field application of the survey to ensure that the survey covered all relevant issues and was presented in a way that would be clear to all respondents. The pre-test was conducted via a series of five focus groups representing residents of each of the five New York City boroughs. Final presentation of results involved editing, cleaning, and weighting collected data. The weights were applied to the data to correct for unequal probability of household selection due to households with more than one telephone number, and different numbers of individuals available to be interviewed at different households. Post-stratification weighting was also applied for each waterbody to balance the sample data to 2000 U.S. Census population data that takes into account household composition (single adult, 2 adults and households with children), age within gender, and race/ethnicity. The survey data was then projected to actual population counts from the 2000 U.S. Census so that areas could easily be combined to yield an appropriate weighted sample for all five boroughs of New York City.

The telephone survey included 7,424 interviews with New York City residents. A minimum of 300 interviews for each of the 26 watersheds was included within the scope of the USA project. The survey was analyzed to quantify the extent of existing uses of the waterbody and riparian areas, and to record interest in future uses. Elements of the survey focused on awareness of the waterbody, uses of the waterbody and riparian areas, recreational activities involving these areas and how enjoyable these activities were, reasons why residents do not partake in recreational activities in or around the waterbody, overall perceptions of New York City waterbodies; and what improvements have been recognized or are desired. It should be noted that the survey was focused on Alley Creek only, not Alley Creek and Little Neck Bay. The results of the survey for Alley Creek are included as Appendix B and are highlighted below.

6.3.1 Waterbody Awareness

Approximately 41 percent of the Alley Creek area residents that participated in the survey were aware of Alley Creek but only one percent identified Alley Creek as their primary waterbody without prompting or aid in their response. On an unaided basis, area residents most often mentioned the Little Neck Bay as the waterway closest to their home. Combining awareness of Little Neck Bay with awareness of Alley Creek puts the respondents near the average observed throughout the city.

6.3.2 Water and Riparian Uses

Approximately 17 percent of the Alley Creek area residents that participated in the survey visit waterbodies in their communities or elsewhere in New York City on a regular basis and 42 percent say that they visit waterbodies occasionally. The remaining percentage of area residents are divided as those who rarely visit waterbodies (26 percent) or not at all (14 percent). This is about the same as New York City residents in general. Fifty-nine percent of the Alley Creek area residents regularly or occasionally visit city waterbodies compared to 60 percent of all New York City residents. Sixteen percent of area residents have visited Alley Creek at some point and nine percent have done so in the prior 12 months. Those who have visited the Alley Creek within the prior 12 months responded that they visit an average of two times. This is lower than the city-wide median of four visits per year. Among those area residents who are aware of Alley Creek but have never visited the Bay, 60 percent responded that there was no particular reason for not doing so, 13 percent cited waterbody conditions and eight percent cited riparian conditions.

The number of area residents that have participated in water-related activities in Alley Creek represents two percent of those who have ever visited Alley Creek. The survey interpretation of this result is to use it with caution. One reason for not participating in water-related activities could be the lack of opportunities to do so offered by Alley Pond Park. The focus of the park is habitat preservation and education. The most common activity cited by those that have visited Alley Creek was walking or strolling (22 percent). This was followed by sports (16 percent). Again this is encouraged at the Park by providing and maintaining 26 acres of playing fields. None of the respondents cited in-water activities such as canoeing, kayaking, jet skiing, swimming, and wading as reasons for visiting Alley Creek. Riparian-based activities are the only use of the creek mentioned in the survey. Thirty-eight percent of area residents that have participated in land activity say that those activities were “extremely enjoyable”. Another 53 percent rated the experience as “somewhat enjoyable”. The scenery was cited most often (27 percent) as the reason for the enjoyment. The people there (21 percent) and being with family and friends (17 percent) were the next two reasons given for the enjoyment of the land activities followed by eating/dining, listening to music and enjoying nature/wildlife/bird watching.

6.3.3 Improvements Noted

Approximately 49 percent of area residents indicated that they have noticed improvements in New York City waterways in general in the past five years and two percent have noticed improvements specifically at Alley Creek. These numbers are very similar to city-wide responses (48 percent) regarding a noting improvement in NYC waterways. Improvements in the water (quality, appearance and color) of New York City waterways were most frequently noted by area residents (23 percent). If funds were available, area residents would most like to see improvements to the water (quality, appearance and odor) in Alley Creek. Thirty-eight percent of the area residents who identified the improvement that they would most like to see in Alley Creek say that improvement is “extremely important” and another 27 percent say it is “somewhat important”. Specifically, among those area residents who identified water quality improvements as the improvements they would like to Alley Creek, 42 percent reported that they would be willing to pay between $10 and $25 a year for that improvement while 19 percent indicated that would not be willing to pay anything for improvements. The report again cautions use of the cost responses because there was a small base. When asked which waterway should be

improved if funds were available to improve only one New York City waterway, 7 percent of area residents cited Alley Creek as the waterway to be improved. In comparison, approximately 18 percent of New York City residents cited the waterbody in their own assessment area as the one that should be improved. Other waterbodies named by Alley Creek residents as the waterbody to be improved if funds were available for only one were: Hudson River (19 percent), East River (13 percent) and Long Island Sound (6 percent). The responses throughout the city were similar in that these same waterbodies were selected by approximately the same percentages of residents participating in the survey.

6.4 ADMINISTRATIVE CONSENT ORDER

The Administrative Consent Order (ACO) was published for public comment on September 8, 2004, as part of the overall NYSDEC responsiveness effort. The public comment period, originally limited to 30 days, was extended twice to November 15, 2004, to allow for additional commentary. Comments were received from public agencies, elected officials, private and non-profit organizations, and private individuals. In total, NYSDEC received more than 600 official comments via letter, facsimile, or e-mail during the comment period. All comments received were carefully reviewed and evaluated, then categorized by NYSDEC according to similar thematic elements. Each set of similar comments received a specific focused response. Many of the comments received, although differing in detail, were able to be categorized or grouped into topics such as NYSDEC and NYCDEP efforts toward CSO abatement, water quality issues, water quality standards, and regulatory requirements.

None of the comments received changed the terms of the ACO, but the volume of commentary was interpreted by NYSDEC to indicate that "NYC citizenry places CSO abatement as a high ongoing priority" (NYSDEC, 2005). The terms of the ACO include numerous opportunities for public participation and input for future CSO abatement measures and regulatory decisions, and therefore fulfill the requirement to comply with federal CSO policy with regard to public participation during facility plan development.

6.5 PUBLIC PARTICIPATION WITHIN THE LTCP PROCESS

A stakeholder team for Alley Creek and Little Neck Bay, consisting of community and environmental leaders and citizens from Queens Community Board 11 (CB11), was assembled in 2006. The participants represented CB11, Alley Pond Environmental Center (APEC), Udalls Cove Preservation Committee, NYCDPR (head of Queens parks), and local residents who are long-time volunteers in environmental issues.

6.5.1 Introduction to LTCP and Waterbody/Watershed Facility Plan Process – Meeting 1

The first stakeholder meeting was held on April 4, 2006, at the Alley Creek CSO Retention Tank Construction Field Office located at 38-44 Regatta Place, Douglaston. The meeting was attended by approximately 15 stakeholders. Many of the stakeholders were active during the CSO Facility Plan development and were familiar with the CSO planning process that resulted in the Alley Creek CSO Facility Plan, the retention tank that is currently under construction.

The initial part of the meeting was a review of the NYCDEP LTCP project noting its goal to improve the quality of the city's open waters and tributaries by developing a long-term plan to

invest in infrastructure that will reduce the number of CSO events, and to reduce the volume of those events that do occur. The definition and location of CSOs in New York City, CSO regulation, waterbody monitoring and modeling, and the public participation in the LTCP through the stakeholder team process were reviewed. The development and evaluation of the CSO Facility Plan and alternative facility, maintenance, and operations plans was explained. The evaluations include performance, water quality improvement and cost. It was noted that, in general, water quality in New York City, including in Alley Creek, is better than it has been in a generation.

As an introduction to the waterbody/watershed, water quality issues, waterbody NYSDEC classifications and water quality standards and known impairments were presented. The presence of Douglas Manor Association Beach means additional consideration of Little Neck Bay as a sensitive area.

The operation and anticipated performance of the 5 MG Alley Creek storage tank in reducing the number and volume of CSO events by catching by holding the first 5 million excess gallons during wet weather events was explained. The tank will overflow through outfall TI-025 for storm events yielding more than 5 million gallons. However, the tank will provide treatment of the CSO flow by capturing floatables and allowing some solids settling.

A lively question and answer session and discussions took place. Stakeholder concerns were listed and described in Meeting Notes. In response to Stakeholder questions, the project team was tasked to address the following issues:

- Status and schedule of the current Alley Creek Tank construction project, including anticipated schedule of traffic diversions.
- Verification of the site, area and scope of the Alley Creek Environmental Restoration of current project.
- Update on catch basin programs in the Alley Creek watershed, including maintenance schedules for catch basins.

Stakeholder team members were encouraged to visit the password-protected website to download background material on the LTCP including the PowerPoint presentation given at the meeting. The Meeting Notes, approved by the Stakeholders, are included in Appendix E.

6.5.2 Presentation of Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan – Meeting 2

The second NYCDEP Alley Creek and Little Neck Bay Stakeholder Team meeting of the Long Term Control Plan was held on July 26, 2006, at the Alley Creek NYCDEP Field Office. The purpose of the meeting was to present the draft WB/WS Facility Plan for Alley Creek and Little Neck Bay.

To follow-up from the previous meeting the Alley Creek Project Phases were described: Phase I, including drainage area improvements, the construction of a CSO storage tank, and the 23.5 acre Alley Park Environmental Restoration, was ongoing. Phase II will see the design and

construction of the Oakland Ravine Wetland System for improved stormwater management. The Oakland Ravine project is not a CSO Facility Plan element.

The progress of the ongoing CSO floatables abatement program included the installation of 890 catch basin hoods bringing the total of hooded catch basins to 2,860 (84 percent of 3,400 within the Alley Creek and Little Neck Bay drainage area).

The team spoke about the next steps of the WB/WS Facility Plan that involves report submission to the NYSDEC. After the NYSDEC review, the public has an opportunity to comment and there may be a public hearing. Mark Klein, Chief of NYCDEP Division of Water Quality Improvement, noted that that the NYCDEP meets regularly with NYSDEC to coordinate and thus avoid the need for large changes in the plan during the review process.

The watershed and sewershed were described showing the separately sewered areas, combined sewer areas, direct drainage, and CSO overflow sites. Of the five outfalls classified as CSOs that discharge to Alley Creek, three discharge only stormwater and two are CSOs: TI-008 and TI-025, at the site of the new tank. The single CSO outfall to Little Neck Bay (TI-006) discharges only stormwater. The 5MG tank will significantly reduce the volume of CSO discharged to Alley Creek and reduce the number of CSO events. All flow through the tank will receive a level of treatment from the removal of floatable materials by baffles and some settling of solids. The modeling data suggests that overflows at TI-008 will occur roughly four times a year when the flow-through capacity of the tank is exceeded. The stakeholders said that when the plan was previously presented, it was stated that all CSO volume would be treated in the tank. It was explained that the calculation of overflow events was generated by a newer, more accurate model applied in the LTCP; but in any case more than 96 percent of the CSO volume would be treated in the tank.

The evaluation of alternatives included modeling to develop a baseline of information against which to compare the different alternatives. Baseline Condition water quality was less than 4.0 mg/L of DO at the head of Alley Creek and DO was calculated to be generally greater than 5.0 mg/L in Little Neck Bay. The calculated Baseline Condition pathogens met all of the waterbody existing standards. The Alley Creek CSO Facility Plan (5 MG tank) and other ongoing projects and improvements were added to the Baseline and alternatives then evaluated. Those alternatives included a modification of the dewatering procedure at Alley Creek Tank to initiate pumping of flow to the Tallman Island WPCP as soon as flow enters the tank and installation of bendable weirs at TI-025 and at Chamber 6 to reduce TI-008 CSO discharge. Alternatives that would remove increments of up to 100 percent of CSOs, as prescribed by the federal LTCP guidance; 15 MG, 25 MG, and 30 MG capacity tanks were also tested in the models.

The percent of CSO reduction, CSO capture, number of CSO events, water quality benefits, and costs were compared for each alternative to arrive at the WB/WS Facility Plan. The goal of the proposed plan is to meet water quality standards in a cost-effective manner. The data suggests that the combination of a) the construction of the CSO retention tank, b) the catch basin hooding project, underway, and c) the wet weather operation of the tank to maximize CSO capture and treatment by pumping out the tank as soon as the flow arrives are the most cost-effective in reducing the volume and number of CSO events. The plan is expected to improve DO levels and reduce enterococcus, and fecal and total coliform counts by reducing CSO volume

by 57 percent and treating 96 percent of CSOs. As such, these measures will be put forward as the Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan. The WB/WS Facility Plan includes a post-construction monitoring of tank performance and receiving water quality.

The stakeholders asked why bending weirs had been discarded as an option, since the data indicates that they are cost-effective and would eliminate the projected 4 CSO events per year at TI-008. The bending weirs, however, provide no additional benefit in meeting water quality standards. Stakeholders also stated that the bendable weir would improve the overall water quality and further reduce floatables, especially at the Alley Park Environmental Center. The project team said that these stakeholder comments would be part of the project record, that the team would review the evaluation of the alternatives and that the recommended course of action would be communicated in the distribution of the meeting notes.

Update on Action Items; NYCDEP August 13, 2006:

- The stakeholders recommended that the plan should include a bendable weir at Chamber 6 to eliminate CSO events at TI-008. As noted above, it was stated that the retention tank project, when first presented to the community, claimed to eliminate all CSO events at TI-008; the updated analytic model used in the LTCP indicated that there would be four CSO events per year at TI-008. As a follow-up to the meeting, the project team reviewed the alternatives analysis and determined that the four CSO events per year predicted by the LTCP model was a finding within the margin of error of the model. The NYCDEP project team recommends that the Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan be submitted as originally proposed, noting that the required post-construction monitoring will pay close attention to the reported performance of the tank and overflow events at TI-008. If necessary, a bendable weir can be installed as a retrofit to improve actual observed performance.

Meeting Notes from the July 26, 2006, Alley Creek and Little Neck Bay Stakeholder Team Meeting are included in Appendix E.

6.5.3 Presentation of Revised Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan – Meeting 3

The third Stakeholder team meeting of the LTCP was held on October 18, 2006, at 6:30 p.m. at the Alley Creek NYCDEP Field Office. Changes to the plan presented on July 26, 2006 had occurred. The revised Alley Creek and Little Neck Bay WB/WS Facility Plan as it will be submitted to NYSDEC was presented at this meeting. The July 26th meeting notes and stakeholder letters, two arguing for a bending weir at Chamber 6 to reduce CSO at TI-008 and the other concerning water quality at the bathing beaches were all discussed.

The primary water quality issues, low dissolved oxygen in Alley Creek and pathogens in Little Neck Bay, were reviewed. The watershed/sewershed of the waterbodies is engineered and does not reflect the natural drainage area. The WB/WS Facility Plan focuses on the two (out of 6) CSO outfalls that actually discharge CSO: TI-008, the CSO outfall on Alley Creek, and TI-025, a new outfall being created at the Alley Creek Tank.

The process of developing a WB/WS Facility Plan began with landside and water quality models to develop a baseline condition against which to measure improvement. Alley Creek and

Little Neck Bay meet water quality standards at the baseline. The Alley Creek CSO Storage Tank now under construction holds 5 MG of CSO. Volumes greater than 5 MG will pass through the tank and overflow at CSO outfall TI-025. If there is a very large storm volume that may exceed the hydraulic capacity of the tank, flow will bypass over a stationary weir in Chamber 6 (located at the head of the tank) to overflow at TI-008, thus preventing a back up in the sewer system and into basements. All overflows at TI-025 will have received preliminary treatment in the tank; the solids will settle out and baffles will remove floatables. At TI-008, however, CSO overflow will be untreated.

The CSO control alternatives evaluated and their costing, presented in detail at the July 26th meeting, were reviewed. Alternatives considered include: the tank at Alley Creek (CSO Facility Plan alternative), called out in the latest CSO Consent Order with construction nearly complete; a modification of the dewatering procedure; bendable weirs at TI-025 and TI-008; and a series of larger holding tanks, which were included in the analysis to capture increments from 85 percent CSO volume up to 100 percent CSO volume

There were two major changes in the Alley Creek and Little Neck Bay WB/WS Facility Plan presented at the July 26th stakeholder meeting. The bendable weir at Chamber 6 to minimize CSO from TI-008 is now included in the plan, provided that it is approved by the NYCDEP Design and Operation Bureaus. This change is based on stakeholder response. The stakeholders had noted that the weir was a low-cost alternative with significant benefits.

The bending weir at Chamber 6 will be placed on top of the rigid weir being constructed. The bending weir will allow for bypass of the tank via TI-008 outflow if the volume level is excessive and risks damaging the equipment and backing up sewage. The bending weir will eliminate TI-008 outflows in design year conditions but CSO may be discharged at TI-008 during particularly heavy storms or during unusual patterns of storms. In addition, stormwater (not CSO) that enters the TI-008 outfall pipe downstream of Chamber 6 will continue to be discharged at TI-008. Construction of the bending weir is subject to approval of the NYCDEP Bureau of Wastewater Treatment (BWT) and the Bureau of Water and Sewer Operations (BWSO). The internal NYCDEP approval process will involve a pilot project conducted by BWT to test the bending weir technology, as New York City has not yet used bending weirs. Bending weirs are used in other cities, however, and are under consideration in draft WB/WS Facility Plans for other LTCP waterbody assessment areas.

The second change in the WB/WS Facility Plan presented at the October 18, 2006 meeting involves the early dewatering of the tank. The early dewatering of the Alley Creek Tank, which begins conveying CSO to the treatment plant during wet weather, has been removed as a WB/WS Facility Plan element. Subsequent to the July 26th Stakeholder meeting, NYCDEP Facility Operations reviewed the plan. The Early Dewatering Alternative was not included in the WB/WS Facility Plan because an increase in CSO discharge from the Alley Creek Tank to the Flushing Creek Tank during rainfall events reduces the Tallman Island WPCP ability to take in combined sewage from other CSOs not receiving control. Thus there is no net reduction in the percent of untreated CSO discharged to Alley Creek and Little Neck Bay under USEPA protocols. As such, NYCDEP did not feel that it was appropriate to put early dewatering into an enforceable WB/WS Facility Plan as it is conceivable that they will be unable to comply. Issues of concern to the operators included potential increase in CSOs at the Flushing Tank and lack of interceptor capacity. Early dewatering of the Alley Creek Tank will be considered during the

post-construction monitoring. The stakeholders requested that the WB/WS Facility Plan report state that early dewatering procedures for the Alley Creek Tank is an option that will be considered in post-construction monitoring period. They also requested that the Community Board 11 receive yearly reports during the post-construction monitoring phase.

The elements of the WB/WS Facility Plan include: the retention tank, the bending weir at Chamber 6, the wet weather operations of the tank, post-construction monitoring, and continuation of programmatic controls. In LTCP design year conditions, 100% of CSO will receive primary treatment, CSOs at TI-025 will increase from the previous draft WB/WS Facility Plan but will all be treated, and CSO from TI-008 will be eliminated during design year conditions. Changes in water quality improvements from the initial plan are small, as the change in volume was small in the overall watershed.

A stakeholder stated that he is pleased with the plan, particularly as most of the outflow will receive preliminary treatment. The cost-benefit analysis results were reviewed, looking at the relationship of cost to parameters such as CSO volume, dissolved oxygen levels, enterococcus reduction at the DMA Beach and Little Neck Bay, total coliform reduction, and fecal coliform reduction. The presence of DMA Beach gives Little Neck Bay "sensitive area" designation according to federal CSO Policy. Acknowledging the comments of a stakeholder, it is important to look at the impact of the water quality improvements on the beaches. The current standing wet weather advisories against swimming after a rainfall may change with the implementation of the LTCP plan. The NYCDEP post-construction monitoring will not include the DMA Beach but that the NYCDOHMH monitors the beaches for pathogens. The stakeholders requested that, during the post-construction monitoring phase, NYCDEP coordinate with the NYCDOHMH to receive their data for inclusion in the Alley Creek reports to NYSDEC.

Meeting Notes from the October 18, 2006 Alley Creek and Little Neck Bay Stakeholder Team Meeting are included in Appendix E. The stakeholders requested that the Community Board be notified by NYSDEC when the plan report is available and be sent copies in paper and electronic form. The NYCDEP's BEDC LTCP Design Team will report back to Community Board 11 by no later than September 2007 with a status of the Alley Creek and Little Neck Bay Plan and present a draft schedule of the Plan approval timeline and bending weir technology pilot testing timeline.

6.6 SPDES PERMITTING AUTHORITY

Any facilities built as a part of this Waterbody/Watershed Facility Plan or water quality standards revision would be subject to the modifications of the Tallman Island WPCP SPDES permit and as such would be subject to a formal public review process.

6.7 NEW YORK STATE PUBLIC NOTIFICATION

Subsequent to the October 18, 2006 Stakeholder Team Meeting, the Alley Creek and Little Neck Bay WB/WS Facility Plan report was submitted to NYSDEC. The report, dated September 2007, was made available to the public after NYCDEP incorporated NYSDEC's June 15, 2007 comments on the draft and prior to Meeting 4.

Following NYSDEC review of the Alley Creek and Little Neck Bay Waterbody/ Watershed Facility Plan the NYCDEP and NYSDEC solicited additional public comment through a public notice and a public information and comment process. The revised Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan was presented at Meeting 4, which was held in May 2008.

NYSDEC will solicit additional public comment through public notice and a public information and comment process for the Alley Creek and Little Neck Bay Long Term Control Plan which will follow the WB/WS Facility Plan Report.

6.7.1 Presentation of Revised Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan – Meeting 4

In accordance with the NYSDEC public notification requirements, NYSDEC posted a notice in the Environmental Notice Bulletin (ENB) of a meeting held jointly between NYCDEP and NYSDEC to provide the public with updates on the Alley Creek and Little Neck Bay WB/WS FP process and a forum in which to ask questions and provide feedback. This meeting was held on Wednesday, May 21, 2008 at 6:30 pm at the NYCDEP Alley Creek Construction Field Office, Queens, NY. A copy of the PowerPoint presentations (NYSDEC and NYCDEP) shown at this meeting, and a summary of questions asked at the meeting and during the Official 30 Day Public Comment Period following the meeting and the Responsiveness Summary, are provided in Appendix F.

The Alley Creek and Little Neck Bay Stakeholders have requested that NYSDEC provide a hard copy and electronic file of the NYSDEC-approved Alley Creek and Little Neck Bay Waterbody/Watershed Facility Plan and the NYSDEC-approved Alley Creek and Little Neck Bay Long Term Control Plan to Community Board 11. The Annual Post-Compliance Monitoring Report and the DMA Beach Assessment Report are also requested.